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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,348	07/08/2003	Kathleen Nylund Jackson	312.004USI	8899

7590 07/09/2007
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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,348

Applicant(s)

JACKSON, KATHLEEN NYLUND

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Amendment

1. The response filed on 04/16/07 has been entered. Claims 1-20 remain pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Mishra (US 2004/0053673 A1).

As per claims 1 and 21, Mishra discloses a method of playing a wagering game (page 1, [0002]) comprising: a player placing a wager in a gaming machine (see fig. 1), the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area (page 6, [0035], lines 4-27, see claim 1); the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events (page 6, [0035], lines 1-4); the first display area providing at least one first symbol; automatically providing that at least one first symbol to the at least second display area; independently and randomly completing symbol display for each of the first display area and the at least second display area (page 4, [0023], see fig. 3); and determining if winning events are present in the first display area and the at least second display area (page 3, [0020], lines 34-37, see claim 19).

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As per claims 2-4, Mishra discloses a method of playing a wagering game wherein the player has the option of placing wagers on the at least second display area or not placing a wager on the at least second display area (see fig. 1); wherein when a player selects a total amount to be wagered in a round of games, the wagers are distributed automatically among the first display area and the at least one second display area (wagers are inherently distributed among the plurality of displays); wherein when the total amount wagered is not evenly divisible by a total number of second display areas wagered upon, wagers are automatically distributed among display areas, with a maximum difference in wagers or different display area allowed (see fig. 1; wagers are inherently distributed among the plurality of displays).

As per claims 5 and 6, Mishra discloses a method wherein the maximum difference is one minimum wagering unit; wherein the first display area is required to have a wager placed thereon that is no smaller than any wager placed on any other display area (all gaming machines are required a minimum wager amount in order to start playing the game and this is an inherent feature).

As per claims 7-12, Mishra discloses a video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claims 1-6 (page 1, [0007], lines 1-9).

As per claims 13-20, Mishra discloses a method wherein a player selects a bonus event related to symbols or events that may occur in any symbol display area and the appearance of predetermined events in any of the symbol display areas cause a bonus event to occur in which the selected bonus event provides a bonus when the selected bonus event has a predetermined relationship to specific predetermined events; wherein the selected bonus event comprises a

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generic category and the player or machine then makes a first selection of a species from within the generic category as an element of play in a bonus game (page, [0034]); wherein after first selection of a species by the player, the machine makes a random second selection from among species (page, [0007], inherent feature); wherein predetermined relationships between the first selection and the second selection determine a bonus amount to be paid to the player (see fig. 1); wherein there are more than one bonus awards available depending upon different predetermined relationships (see fig. 1); wherein the genus comprises months and the species comprise dates (inherent features); wherein a player selects a symbol prior to play of an underlying game that establishes an element of bonus play in the event that a player is awarded a bonus play in the play of the underlying game (see fig. 1); wherein the bonus play includes random selection of species within a genus that is part of the symbol selected by the player (see fig. 1).

Response to Arguments

4. Applicant's arguments filed on 04/16/07 have been fully considered but they are not persuasive.

Applicant argues that Mishra does not disclose “automatically providing that at least one first symbol to the at least second display area; ...” nor “... independently and randomly completing symbol display for each of the first display area and the at least second display area; and”

In response to Applicant's arguments, Mishra discloses an apparatus for multiple winning events in a single play of a multiple symbol display event wherein the apparatus comprises a housing or cabinet with a microprocessor; a first gaming display that displays at least two

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symbols from a first set of symbols, wherein predetermined symbols or symbol combinations provide a first award; a second gaming display that coincidentally displays at least one separate symbol selected from at least some of the symbols within the first set of symbols; and the gaming apparatus awarding a second prize when the at least one separate symbol matches at least one symbol from among the at least two symbols displayed in the first gaming display. Mishra further discloses an apparatus wherein the underlying at least two symbol display is capable of showing at least one symbol that cannot be matched by any symbols available from the second (additional) symbol display, or the second symbol display can provide symbols that, when matching symbols on the first symbol display would not provide a match award. Clearly, the system of Mishra is capable of providing symbols to the second display as needed and said symbols are randomly displayed in the game. As a result, claims 1-21 are finally rejected.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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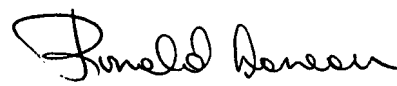
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau
Primary Examiner
Art Unit 3714

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RONALD LANEAU
PRIMARY EXAMINER
7/3/07